



PUBLIC UTILITIES COMMISSION

320 WEST 4TH STREET, SUITE 500
LOS ANGELES, CA 90013



August 10, 2012

Tracy Steinkruger
City of Burbank
150 N. Third Street
Burbank, CA 91502

Dear Ms. Steinkruger:

Re: SCH# 2010021004; Burbank 2035 General Plan Update

The California Public Utilities Commission (Commission) has jurisdiction over the safety of highway-rail crossings (crossings) in California. The California Public Utilities Code requires Commission approval for the construction or alteration of crossings and grants the Commission exclusive power on the design, alteration, and closure of crossings.

The Commission Rail Crossings Engineering Section (RCES) is in receipt of the *Draft Environmental Impact Report (DEIR)* from the State Clearinghouse for the proposed City of Burbank (City) 2035 General Plan Update and Greenhouse Gas Reduction Plan.

RCES recommends that the City add language to the General Plan Update so that any future development adjacent to or near the shared railroad/light rail right-of-way is planned with the safety of the rail corridor in mind. New developments may increase traffic volumes not only on streets and at intersections, but also at at-grade highway-rail crossings. This includes considering pedestrian circulation patterns/destinations with respect to railroad right-of-way and compliance with the Americans with Disabilities Act.

Mitigation measures to consider include, but are not limited to, the planning for grade separations for major thoroughfares, improvements to existing at-grade highway-rail crossings due to increase in traffic volumes and continuous vandal resistant fencing or other appropriate barriers to limit the access of trespassers onto the railroad right-of-way.

If you have any questions, please contact Ken Chiang, Utilities Engineer at (213) 576-7076 or ykc@cpuc.ca.gov, or me at (213) 576-7078 or rxm@cpuc.ca.gov.

Sincerely,

Rosa Muñoz, PE
Senior Utilities Engineer
Rail Crossings Engineering Section
Consumer Protection & Safety Division

C: State Clearinghouse



Regional Planning Commission Airport Land Use Commission

#2

PLANNING DIVISION

2012 SEP 10 A 10:52

Commissioners
Curt Pedersen, *Chair*
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Harold V. Helsley
Pat Modugno

August 30, 2012

Tracy Steinkruger, Senior Planner
City of Burbank
Planning and Transportation Division
150 N. Third Street
Burbank, CA 91502

SUBJECT: CITY OF BURBANK GENERAL PLAN UPDATE 2035 DRAFT ENVIRONMENTAL IMPACT REPORT NOTICE OF AVAILABILITY

Thank you for the opportunity to comment on the City of Burbank General Plan Update 2035 Draft Environmental Impact Report. Staff of the Los Angeles County Airport Land Use Commission (ALUC) has reviewed the documents and has the following comments.

In accordance with the Public Utilities Code (PUC), Section 21676, the Airport Land Use Commission (ALUC) has the responsibility of reviewing local jurisdiction actions for compatibility with the adopted Airport Land Use Plan (ALUP). The type of project requiring ALUC review includes the update of a General Plan within the airport influence area for an existing public-use airport. Therefore, the City of Burbank General Plan Update 2035 project will require review by the ALUC.

Pursuant to the above PUC provision, the City of Burbank, as lead agency for the project, must submit the proposed project materials to the ALUC for a determination of consistency/inconsistency. The timing of submission of materials for review by the ALUC should be after the City of Burbank has taken preliminary action such as through Planning Commission initial approval, but before the City Council has considered the project for final approval. All project information should be filed with the Department of Regional Planning.

An appointment for submittal of materials is required. To schedule an appointment for project submittal, please call (213) 974-6438. For additional information on project submittal materials, please visit our webpage at: <http://planning.lacounty.gov/aluc>

If you have any questions, please call David McDonald at (213) 974-6425 or email at dmcDonald@planning.lacounty.gov, Monday through Thursday between 7:30 a.m. and 5:30 p.m. We are closed on Fridays.

Very Truly Yours,

Carmen Sainz, Section Head
Community Studies East

CS:DM



September 13, 2012

Via Email; Original via Hand Delivery

Ms. Tracy Steinkruger
Senior Planner
City of Burbank, Community Development Department
150 N. Third Street
Burbank, CA 91502

Dear Ms. Steinkruger:

The Burbank-Glendale-Pasadena Airport Authority (the "Authority") submits the following comments with regard to the Noise Element of the Burbank 2035 General Plan (the "Project") and the City of Burbank's (the "City's") Draft Environmental Impact Report ("DEIR") analyzing the proposed Project.

As a general matter, the Authority has two broad concerns with the DEIR and the Noise Element of the 2035 General Plan as more fully addressed below. First, to the extent the text, goals or policies in the General Plan or the discussion and mitigation measures in the EIR purport to cause an eventual modification of any general plan designation applicable to the Adjacent Property or Trust Property located next to the Bob Hope Airport (the "Airport"), the Authority states for the record that modification, if enacted, may be in violation of the current Development Agreement between the City and the Authority. See, Development Agreement at Section 3.1. Second, to the extent any modification or policy or program cited in the DEIR or the 2035 General Plan purports to impact aircraft operations, if enacted or implemented, it may be in violation of federal law. See, *City of Burbank v. Lockheed Air Terminal, Inc.*, 411 U.S. 624 (1973); see also, *Burbank-Glendale-Pasadena Airport Authority v. City of Los Angeles*, 976 F.2d 736 (1992).

The Authority's more specific comments are as follows:

Burbank 2035 General Plan Noise Element

First, the Authority has concerns regarding footnote 2 to Table N-3 in the Noise Element of the Burbank 2035 General Plan. This Table N-3 is used throughout the DEIR in analyzing the potential noise impacts from the Project. In general, the Authority believes the language contained in this footnote is confusing and requests that the City clarify the impact of this footnote on development in areas of the City exposed to transportation noise sources. The language as currently written appears to suggest that a developer can build a single-family home in an area with a 70 dBA CNEL/Ldn noise exposure from transportation sources, but cannot include an exterior living area. The footnote also appears to suggest that properties in the Los Angeles County Airport Land Use Plan's ("ALUP") Airport Influence Area shown in Exhibit N-3 are subject to unacceptable noise levels if there is any exterior living area incorporated into the

development. The Authority is concerned that the wording of this footnote could be falsely construed as a basis for a claim against the Authority. See, *Baker v. Burbank-Glendale-Pasadena Airport Authority*, 39 Cal.3d 862 (1985).

Draft Environmental Impact Report

With regard to the DEIR itself, the Authority expresses the following concerns:

Potential Inconsistency with General Plan Noise Element Table N-3

On page 3-17 and 3-18 of the Project Description section of the DEIR, it is indicated that “noise exposure limits for land use compatibility are generally established as 60 dBA CNEL/Ldn for exterior spaces in most sensitive land use designation (e.g., nursing homes, hospitals). Higher exterior noise levels (65 dBA CNEL/Ldn) are permitted for single-family and multiple-family housing and housing in mixed use contexts.” This statement, however, appears inconsistent with Table N-3 in the Burbank 2035 General Plan Noise Element that allows exterior noise levels for single-family and mixed-use housing to go as high as 70 dBA CNEL/Ldn.

Caltrans Comment Letter Regarding the Airport

It is indicated on page 4.13-1 of the Noise section of the DEIR that the California Department of Transportation, Division of Aeronautics (“Caltrans”) submitted a comment letter in response to the City’s issuance of its Notice of Preparation. In particular, Caltrans expressed concerns regarding the potential for future residential land uses to be subjected to elevated noise levels when located within the 65 dBA CNEL contour of the Airport. Caltrans recommended that the City avoid siting future residential uses within the 65 dBA CNEL contour or that it require design considerations such that interior noise standards (45 dBA CNEL) are maintained in all habitable rooms. It is unclear if the City provided a response to Caltrans. The Authority requests that the City make it clear that it will not permit incompatible development within the Airport Influence Area as required by the ALUP and proposed Policy 5.1 of the Noise Element.

Noise Contour Exhibit 14-2

On page 4.13-2 of the Noise section of the DEIR, it is indicated that Exhibit N-2 of the Technical Background Report (“TBR”) shows the most recent noise contours associated with Airport operations. Exhibit N-2 does not appear to exist in the TBR. However, this may be a reference to Figure 14-2 in the TBR. It does not appear that this Figure 14-2 is consistent with the current approved Noise Exposure Map or with the Noise Exposure Map currently being reviewed as part of the on-going Part 150 update.

Noise Contour Area Statistics

On page 4.13-2 and page 4.13-22 of the Noise section of the DEIR, it is indicated “that by 2015, the noise sensitive area within the 65 dBA CNEL contour is projected to increase to 383 acres due to increased aircraft operations at the airport. Additionally, an estimated 4,825 people currently reside within the 65 dBA CNEL contour, and this number is projected to increase to

8,217 by 2015 ... due to land intensification and redevelopment near the airport.” The Authority recommends that the City clarify this statement by indicating that any land intensification and redevelopment near the Airport should not result in additional residential or sensitive noise receptors living within the Airport 65 dBA CNEL contour.

Program N-4

On page 4.13-6 through 4.13-7 of the Noise section of the DEIR, Program N-4 is discussed. Program N-4 would require an acoustical analysis for future discretionary projects in areas where the existing or projected noise level exceeds or would exceed the maximum allowable levels identified in Table N-3 in the Noise Element for transportation sources. Program N-4 would also require an acoustical analysis when a project includes a noise sensitive land use that is located within the existing or future 65 dBA CNEL/Ldn contour for transportation noise sources. As stated previously, to the extent that Program N-4 is used by the City as an attempt to directly or indirectly impact aircraft operations, it could be a violation of federal law.

Program N-8

On page 4.13-8 through 4.13-9 of the Noise section of the DEIR, Program N-8 indicates the City will work to reduce noise associated with aircraft overflights and helicopter operations through certain regulations. These regulations will regulate the siting and operation of heliports and helistops through the conditional use permit process allowing the City discretionary review over these locations. Additionally, the City will implement flight profiles, tracks, and operating parameters for noise control with heliport and helistop operators. Finally, the City indicates it will work with the Burbank-Glendale-Pasadena Airport Authority in implementing the Residential Acoustical Treatment Program. Again, to the extent Program N-8 is used by the City as an attempt to directly or indirectly impact aircraft operations, it could be a violation of federal law. Further, the City’s imposition of a conditional use permit requirement for the siting of heliports and helistops on Authority property could be in violation of Section 3.1 of the Development Agreement.

Table 4.13-2 Stationary Noise Standards

On page 4.13-9 of the Noise section of the DEIR, it is indicated that stationary noise sources standards are articulated in Table 4.13-2. These stationary noise standards limit maximum allowable noise from stationary sources to typically 55 dBA at exterior spaces in the daytime and 45 dBA at exterior spaces at night, with a potential maximum being 75 dBA during the daytime and 65 dBA in the night. Although it does not appear the Airport would be considered a stationary source of noise, the Authority requests that clarification or language be included to affirmatively state the Airport will not be treated as a stationary source of noise subject to the noise source standards contained in Table 4.13-2.

Airport Land Use Commission Procedural Policies

On page 4.13-22 through 4.13-23 of the Noise section of the DEIR, it is acknowledged that exposure of noise sensitive receptors to aircraft noise is a significant and unavoidable impact.

The EIR details that the Airport is governed by the Los Angeles Regional Planning Commission/Airport Land Use Commission's guidelines. It is also specified that potential land development under the Burbank 2035 General Plan will be evaluated for compatibility with airport operations, using criteria set forth in the Airport Land Use Commission Procedural Policies contained in the Airport Land Use Compatibility document. Additionally, it is specified that Noise Element policies 5.1 through 5.3, and Programs N-2, N-3, N-4, and N-8 are designed to prevent and mitigate sources of excessive noise, including those from aircraft operations. The Authority notes that the intent behind the Airport Land Use Commission Procedural Policies is not to constrain the Airport operations in any manner. Rather, the intent is to ensure that proper land use zoning occurs adjacent to the Airport. As such, and as stated in the Procedural Policies, the Airport Land Use Commission has the power under state law to review any amendment to a general plan or zoning ordinance that affects property in the Airport Influence Area. Finally, and as stated previously, to the extent any policy or program cited above is an attempt to directly or indirectly impact aircraft operations, it could be a violation of federal law.

Alternative 3 – Golden State Area Increased Density

Alternative 3 discussed on pages 6-6 through 6-8 of the DEIR is of concern as it appears to contemplate a change in the land use designation in the Golden State Area located to the south and east of the Airport. Alternative 3 would change the uses in the Golden State Area from the Airport and Golden State designations to Regional Commercial and Corridor Commercial designations. This change would convert industrial land to commercial use and allow for mixed use development including niche residential uses such as lofts and live-work spaces. We recommend that the Alternative be clarified that it is not intended nor would it allow inclusion of land uses easterly or southerly of the Airport that would be incompatible with aircraft operations. In addition, to the extent that Alternative 3 could cause the modification of any zoning applicable to Adjacent Property or Trust Property (as those terms are defined in the Development Agreement between the City and the Authority), it could be in violation of Section 3.1 of the Development Agreement.

Technical Background Report

With regard to the Technical Background Report or TBR, the Authority has the following concerns:

Nighttime Curfew Statement

On page 14-11 of the TBR, it is indicated that the Airport has a voluntary curfew in effect from 10:00 p.m. to 7:00 a.m. The Authority notes that although this statement is correct, the voluntary nighttime curfew is focused on scheduled passenger air carrier service.

Table 14-7 Potential Inconsistency with General Plan Noise Element Table N-3

On page 14-21 of the TBR, and in Table 14-7 of the TBR, General Plan Noise Element compatibility standards are addressed. It is unclear if these standards are those contained in the City's current General Plan or are meant to be the standards proposed for the Burbank 2035

Ms. Tracy Steinkruger
September 13, 2012
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General Plan. Either way, the standards appear inconsistent and more stringent than those proposed in Table N-3 of the Noise Element. The Authority requests that the City clarify the applicability of these standards.

Please let us know if you should have any questions.

Very truly yours,

A handwritten signature in black ink that reads "Dan Feger". The signature is written in a cursive, flowing style.

Dan Feger
Executive Director

Steinkruger, Tracy

From: Brian Paul [Brian.Paul@burbankrealtors.org]
Sent: Tuesday, September 04, 2012 9:23 AM
To: Steinkruger, Tracy
Cc: Christopher Rizzotti (christopher@rizzotti.com)
Subject: 2035

Dear Ms. Steinkruger:

Thank you for providing the information for the 2035 plan that includes the General Plan, Green House Gas Reduction, Environmental Impact Report and Technical Background Report. On review of the material, we note that the nexus to real estate is tenuous and although we would like to be part of the process going forward, we think there may be groups with expertise in the areas of "Green House Gas" and Environmental Impact that would be more valuable partners for the City in this instance. Our Association would like to help in any way and in every instance on matters that are real estate related. If there is a specific section you would like us to focus on, please let us know.

Thank you,

BAOR President, Christopher John Rizzotti
CEO, Brian Paul
Burbank Association of REALTORS
2006 W. Magnolia Blvd.,
Burbank, CA 91506
818 845 7643

Steinkruger, Tracy

From: Louis [gg360@hotmail.com]
Sent: Monday, September 03, 2012 5:02 PM
To: Steinkruger, Tracy
Cc: City Council
Subject: Burbank2035

September 3, 2012

Tracy Steinkruger
Senior Planner
Community Development
Planning & Transportation Division

RE: Burbank2035 General Plan

Tracy:

Thank you for talking to me at the Burbank Planning counter other day (8/27/2012). You indicated that if I had any questions about Burbank2035 (B2035) I should email you. You also stated that there will be no more public outreach. This greatly disappointed me.

You suggested that I should review the Burbank2035 Blog. I did and I was very disappointed at the lack of seriousness from many of the entries. With an all encompassing document like B2035 there was not one legal question, not one financial question, not one on the contradiction between higher density and reducing green house gases. I expected to find at least one question or statement by someone wondering how any government could possibly implement such complicated plan. Frankly, many of the blog responses seemed phony, contrived, comical and some bordering on the absurd. It's my opinion that the blog should have been remained open for comments until B2035 was passed by the council.

Although B2035 easily lends itself to many questions per policy, for now I kept to general questions that I think many Burbank residents, including myself might want to know the answers to.

GENERAL QUESTIONS

1. B2035 indicates that B2035 is a "state-required" policy. Where can I find that policy?
2. Are General Plans mandated by the State of California?
3. Does the State of California mandate that Burbank have a Green House Gas (GHG) reduction plan? If so, is it implementation mandatory or voluntary?
4. AECOM drafted B2035 and included GHG reduction policies. Did they arbitrarily include it or did the Council or Planning Dept request it to be included?
5. Why is B2035 involved in GHG reductions?
6. What is the basis for GHG reductions? Why do we need to do this?
7. There are costs to measuring green house gases, how much per annum is it?
8. Are GHG reduction policies in B2035 mandatory or voluntary?

9. Many cities have passed GHG reduction laws and most fail to meet their targets. What happens if we do not meet the targets set forth in B2035?
10. Will the new B2035 GHG regulations increase electricity rates?
11. What is the BWP's official position on B2035? Is it in writing?
12. Many residents use lawnmowers, leaf blowers, generators, etc., that burn gasoline, do the GHG reductions in B2035 have any jurisdiction over these types of activities?
13. In an era of shrinking state and local Governments throughout the country, B2035 seems very much about growing Government. Can you direct me to any policies in B2035 that restrains or limits the Burbank Government?
14. According to one of the Planning Dept attempts at B2035 online outreach at la.curbed.com, B2035 is considered 'Progressive' what does that mean?
15. B2035 seems to be based on Sustainable Development. Many cities and one entire state have outlawed Sustainable Development. Why is this? What is in Sustainable Development that they are objecting to?
16. Do you expect to get funding from the LA City/County, State and Federal government to help implement B2035?
17. Assuming no Federal /State grants or outside funding sources of any kind, if Burbank had to fund all of B2035 including Complete Streets, GHG reductions, administrative, etc., what would the total cost be through 2035?
18. How much does a 'Complete Street' cost? Per foot / per mile?
19. Is there an example of a 'Complete Street' in Burbank or any other local city that I can go look at?
20. It is my understanding that the airport is exempt from GHG Reductions and falls under some other jurisdiction. Are the 5 and 134 freeways also exempt?
21. Are you aware of any adverse impacts to adjacent cities to Burbank if B2035 is passed or fails to pass?
22. Can you point to any specific B2035 policies that encourage businesses to move to Burbank?
23. Why do we need mixed use zoning?
24. Can you point to any studies that indicate that mixed use zoning is warranted or desired in Burbank?
25. Do any of the policies in B2035 have any cost benefit analysis associated with them?
26. Do you believe that B2035 is in keeping with the Council's goals on long term fiscal responsibility?
27. In the event of a conflict, do the master plans take precedence over B2035?

If it's not too much trouble, I would like a list of all B2035 past public outreach attempts by the City of Burbank.

Thank you in advance for your timely and comprehensive responses.

Louis Altobelli
Burbank Rancho Resident

cc: City Council
tsteinkruger@ci.burbank.ca.us; CityCouncil@ci.burbank.ca.us

Steinkruger, Tracy

From: Louis [gg360@hotmail.com]
Sent: Sunday, September 09, 2012 7:05 PM
To: Steinkruger, Tracy
Cc: City Council
Subject: RE: Burbank2035

Tracy:

Thank you for taking the time to respond to my email.

All your links are greatly appreciated and I did review nearly all of them. I really did not know if you would address my questions directly. My engagement with my Government is very new to me and was unsure on what to expect.

I knew nothing of B2035 until December of 2011. I found it completely by accident after a Rancho meeting at the Lincoln library and then later went to the Burbank website for more information. I believe that any resident who would take the time to understand B2035 the way I now do would be skeptical about passing it. How many property owners actually know what a 'Complete Street' is. Let alone why we need them, what their cost is and what the future ramifications might be.

One of the many weaknesses inherent to B2035 is the phony foundation on which it is built. Once the premise that man-made Globalwarmingclimatechange is called into question, the basis for most of B2035 becomes untenable and collapses like a house of cards. Lucky for the Planning Dept., 4 members of the City Council are not going to make you prove it!

One example of B2035's vulnerabilities was revealed in one of the videos when Dr. Gordon was questioning the AECOM guy and in a matter of 4 questions got him to admit that the reason 'Complete Streets' are necessary is because 'everybody else is doing it'. Wow! That was really, really weak! It was obvious that he was not used to being questioned in an adversarial manner and very much used to the typical California passive and progressive City Councils (like the four others on the Burbank Council).

The interchange made it clear to me that neither the Planning Dept or AECOM could withstand, in full public view, a true and legitimate cross examination of B2035. If not for the four City Council members covering for the Planning Departments weak arguments trying to justify B2035, it would have had a stake driven through it years ago.

I think the assumption that what appears to be a lack of interest in B2035 by the public at large (online or otherwise) is not proof, in and of itself that the residents do not care about B2035. Most are still completely unaware of it. Furthermore, whatever the interest level may be in any public matter, it does not automatically provide a license to the Government to make any changes they want. If you were to ask yourself the question, would a fully informed Burbank resident approve of B2035? I think we both know that answer to that. As a

public servant leader, the result of your thinking and work should be to represent and consider all Burbank residents, not just the vocal progressive few that may happen to coincide with your own leanings and biases.

So to make the assumption that everyone in Burbank wants 'Complete Streets' just because they did not show up at a public meeting, did not send an email or make a comment on an internet blog, is not only wrong, it is violation of public trust. Most people do not have the time or energy after working long days to come home (or maybe their 'bike ride' home is just too exhausting) and read a nearly 200 page monster of a document that is filled with legal terms, no fiscal estimates and a bunch of incomprehensible eco-mush, let alone act upon it.

After reviewing the links you provided me, it reinforced the necessity of the general questions that I asked. However, this needs to be a public dialogue. Not I submit questions, maybe they get answered and it's over. Once my questions are answered, I very likely will have follow up questions. Because of the vagueness of many parts of B2035, it becomes a moving target and hard to nail down (it's like playing Whack-a-Mole - which is great if you are a Government trying to get away with something). How can any business, developer, or homeowner make future plans and decisions if policies cannot be counted on to remain stable and consistent or even worse, subject to the interpretations of Government officials.

One of the bits of information the videos revealed was the dominance of responses from public outreach by non-residents that may not even work here anymore and yet have a lasting effect. I can't put my finger on it, but this non-resident input is just one more of those things going on with B2035 that leaves me feeling a bit uneasy. Considering ideas from outside sources are acceptable just as long as they are weighted properly. A recommendation from a Burbank resident should always be given the highest priority, importance and weight. No one will make better decisions, as a group for Burbank than actual residents and property owners (the people who stand to potentially lose the most) in any potential property use changes.

It was interesting in one of the videos to watch Two Council members and the City Manager covering for the specious nature of non-resident feedback, but it was all too obvious to the even the most untrained and casual observer that they were running interference for B2035 and the Planning Dept.

The internet (blogstwitterfacebook) may be convenient and cool, however it is not ready for prime time and should not be a replacement for proper public outreach and fewer and fewer people read newspapers anymore. Right now direct mail is still the most effective way to reach out to residents. If I recall from one of the videos correctly, the planning Dept had sent out a total 8,000 postcards to residents about B2035. That is only a fraction of the amount that should have been sent. With a General Plan that is the size and scope of B2035, it is my opinion that postcards should have gone out to every household and business in Burbank.

If the City is going to send B2035 postcards out again, I would like to participate in the drafting of that communication or at a minimum, the Council should approve the artwork and text as an agenda item. I know it sounds tedious, but your result of public outreach did not get the response it should have. Did you ever occur to you that the lack of response was the fault of the Planning Dept? If you sent out 50,000 post cards

entitled "The City of Burbank has a new General Plan that is about to add over 300 regulations that may affect your real estate", it would not take a genius to figure out that you would get a significant response.

In the 10/25/2011 video, you made a comment that that ICLEI was not on your mind when drafting B2035. However the creator of B2035, AECOM is directly involved with ICLEI and so is the American Planning Association in which most of the Planning Dept are members. So your attempt to distance yourself from ICLEI or it's ideology was disingenuous at best. If you still claim to know little about ICLEI, you should read their literature, because it just so happens that when it comes to General Plans like B2035, you both have near identical ideas. What a coincidence!

Starting with the 12/12/2011 planning board meeting I did notice that your descriptive language of B2035 drastically changed. It may be just coincidental, but you just happen to be mimicking the recommendations set forth in the in the "Communications Boot Camp" offered by the American Planning Association to sell and market these types of general plans to Government officials and the public. In addition, the City Council meeting held on 12/13/2011, The AECOM representative also changed his language to make B2035 more acceptable and palatable to the public. Sorry to say this, but it comes across as deceit.

My overall impression of the Planning Department and AECOM presentations of B2035 feels like something deceptive is happening here. Partly facts and partly gut feel, but it's reeks of dishonesty. It is my opinion that deceiving the public, which has been made clear by having to change the language to 'sell' B2035 in order force feed a 'progressive' general plan on a relatively conservative Burbank populous, is a trespass that may not be forgivable. Lucky for the progressives in the planning department, you have 4 progressives on the Council (weather they know it about themselves or not, and was confirmed when they recently reaffirmed their support for sustainability) that will very likely pass B2035 very close to its recent draft.

Generally speaking, I'm not against general plans and I think that they may have their place. But once we create a new general plan the City becomes, in part, subject to the State of California's requirements of what the plan should be. Why should we subject ourselves to this? Other than a few progressivesustainableeco-nuts, no one is clamoring for tree canopies, bike lanes, smart growth, complete streets, mixed-use, GHG reductions, etc.

The reality seems to be that NOT passing a general plan of any kind actually acts as a protective barrier from outside demands, influences and regulations that for the most part are totally unnecessary anyway.

Even in the face of apparent overwhelming odds and little help from other residents, I cannot let four Council Members and an intractable Planning Dept radically change the City of Burbank without some form of objective response. Starting in a few days I will begin to address the individual policies of B2035. I will send you emails as I complete the sections.

Sorry for the length of the email, but you did give me a lot to take in with all the links and I only addressed a small portion of the voluminous information.

Respectfully,

Louis Altobelli
Burbank Rancho Resident

cc: City Council
tsteinkruger@ci.burbank.ca.us; CityCouncil@ci.burbank.ca.us

From: Steinkruger, Tracy [mailto:TSteinkruger@ci.burbank.ca.us]
Sent: Wednesday, September 05, 2012 3:45 PM
To: 'gg360@hotmail.com'
Cc: City Council; Herrmann, Greg; Prescott, Patrick
Subject: FW: Burbank2035

Mr. Altobelli-

Thank you for submitting a comment letter on the Burbank2035 General Plan, Greenhouse Gas Reduction Plan, and Environmental Impact Report. Your comment letter has been inventoried; all comments and/or questions received (and staff response) will be included in Final EIR which will be released this fall. The Planning Board and City Council will have all comments received, staff response, and the final documents ahead of the public hearings for this project.

The Burbank2035 General Plan Update was initiated in January 2010. I've provided a summary of our outreach efforts to date.

- Development of Burbank2035 Website – www.burbank2035.com
- Development of Burbank2035 Facebook Page
- 2011-2012 Meeting Calendar: Boards & Commissions, Neighborhood Organizations & Philanthropic Groups, Etc.

<http://www.burbankusa.com/Modules/ShowDocument.aspx?documentid=16041>

- Burbank2035 Virtual Town Hall (Fall 2010) – Report available here:
<http://www.burbankusa.com/Modules/ShowDocument.aspx?documentid=12758>
- Planning Board Study Session (June 20, 2011) – Video and report available here:
http://burbank.granicus.com/MediaPlayer.php?view_id=6&clip_id=3123&meta_id=111866
- City Council Study Session (June 21, 2011) – Video and report available here:
http://burbank.granicus.com/MediaPlayer.php?view_id=6&clip_id=3181&meta_id=111998
- City Council Study Session (July 19, 2011) – Video and report available here:

http://burbank.granicus.com/MediaPlayer.php?view_id=6&clip_id=3714

- Planning Board Study Session (July 20, 2011) – Video and report available here:

http://burbank.granicus.com/GeneratedAgendaViewer.php?view_id=6&clip_id=2481

- Burbank2035 Virtual Town Hall (Summer 2011) – Report available here:

<http://www.burbankusa.com/Modules/ShowDocument.aspx?documentid=12759>

- “Meet Burbank2035” Community Workshop (July 6, 2011) – Presentation available here:

<http://www.burbankusa.com/Modules/ShowDocument.aspx?documentid=11548>

- “Meet Burbank2035 Community Workshop (July 27, 2011) – Presentation same as above.

- “Meet Burbank2035 Community Workshop (August 13, 2011) – Presentation same as above.

- Build-a-Burbank Kids Workshop #1 (Summer 2011) – More information available here:

<http://www.burbankca.gov/index.aspx?page=1118>

- Build-a-Burbank Kids Workshop #2 (Summer 2011) – See link provided above.

- Build-a-Burbank Kids Workshop #3 (Summer 2011) – See link provided above.

- Build-a-Burbank Kids Workshop #4 (Summer 2011) – See link provided above.

- Planning Board Update on Burbank2035 (October 24, 2011) – Video and report available here:

http://burbank.granicus.com/MediaPlayer.php?view_id=6&clip_id=4058

- City Council Staff Report (October 25, 2011) – Video and report available here:

http://burbank.granicus.com/MediaPlayer.php?view_id=6&clip_id=4059

- Public Correspondence (and staff response) – Burbank2035 Preliminary Draft & Revised Preliminary Draft: <http://www.burbankusa.com/Modules/ShowDocument.aspx?documentid=11665>

- Planning Board Public Hearing (December 12, 2011) – Video and report available here:

http://burbank.granicus.com/MediaPlayer.php?view_id=6&clip_id=4214

- City Council Public Hearing (December 13, 2011) – Video and report available here:

http://burbank.granicus.com/MediaPlayer.php?view_id=6&clip_id=4217

- City Council Study Session (February 7, 2012) – Video and report available here:

http://burbank.granicus.com/MediaPlayer.php?view_id=6&clip_id=4345

- Joint Planning Board-City Council Study Session (July 31, 2012) – Video and report available here:

http://burbank.granicus.com/MediaPlayer.php?view_id=6&clip_id=4849

Copies of the draft documents are available for review at the following locations:

- City Clerk's Office
- Planning & Transportation Division
- Buena Vista Library
- Central Library
- Tuttle Senior Center
- Joslyn Senior Center
- Burbank Chamber of Commerce
- Burbank Association of Realtors
- Online at: www.burbank2035.com

Planning & Transportation Division staff have distributed posters and fliers to a variety of businesses in the community. We've advertised Burbank2035 on the BurbankBus fleet. We've mailed Burbank2035 postcards and handouts to residents, businesses, etc. We've handed out Burbank2035 recyclable shopping bags and handouts to shoppers at the Farmers Market. We've met with representatives from the Burbank Association of Realtors and Burbank Chamber of Commerce. As you mentioned, the Burbank2035 project has also been profiled in the Burbank Leader newspaper, in the Burbank Business Journal, on the Curbed LA website, and on KPCC radio. None of the media attention was solicited by the Planning & Transportation Division, but we welcome any opportunity to make the community more aware of our work.

Burbank2035 is tentatively scheduled for Planning Board consideration in November; by the City Council in December. At the public hearings, any person may address the Planning Board or City Council and provide comments on Burbank2035. There are no community meetings scheduled at this time; however, staff is always available to sit down and answer questions, explain key concepts, and receive feedback.

Thank you again for submitting a comment letter on the Burbank2035 General Plan, Greenhouse Gas Reduction Plan, and Environmental Impact Report. Responses to questions and/or comments will be provided as part of the Final EIR. Please do not hesitate to contact me if you would like to meet with our staff to discuss the contents of Burbank2035.

Tracy Steinkruger - Senior Planner

City of Burbank Planning & Transportation Division
150 North Third Street
Burbank, CA 91502
818.238.5250 (p) | 818.238.5150 (f)



South Coast Air Quality Management District

21865 Copley Drive, Diamond Bar, CA 91765-4182
(909) 396-2000 • www.aqmd.gov

E-Mailed: September 21, 2012
tsteinkruger@ci.burbank.ca.us

September 21, 2012

Ms. Tracy Steinkruger
City of Burbank Planning and Transportation Division
150 N. Third Street
Burbank, CA 91502

Review of the Draft Environmental Impact Report (Draft EIR) for the Burbank 2035 Project

The South Coast Air Quality Management District (AQMD) staff appreciates the opportunity to comment on the above-mentioned document. Also, AQMD staff appreciates your consideration of these comments after the end of the comment period. The following comment is intended to provide guidance to the lead agency and should be incorporated into the Final Environmental Impact Report (Final EIR) as appropriate.

Based on a review of the Draft EIR the AQMD staff recognizes the potential regional air quality benefits from the proposed project that facilitates new mixed land uses. However, given the potential health risk impacts from placing sensitive land uses (e.g., residential and park uses) within close proximity to significant emissions sources, such as the I-5 Freeway the AQMD staff encourages the lead agency to focus development of these sensitive land uses as far as possible from this source of emissions. Also, the lead agency should consider additional mitigation measures to minimize the project's significant regional construction and operations-related air quality impacts pursuant to Section 15126.4 of the California Environmental Quality Act (CEQA) Guidelines. Details regarding these comments are attached to this letter.

Pursuant to Public Resources Code Section 21092.5, please provide the AQMD with written responses to all comments contained herein prior to the adoption of the Final EIR.

Ms. Tracy Steinkruger

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September 21, 2012

Further, staff is available to work with the lead agency to address these issues and any other questions that may arise. Please contact Dan Garcia, Air Quality Specialist CEQA Section, at (909) 396-3304, if you have any questions regarding the enclosed comments.

Sincerely,



Ian MacMillan
Program Supervisor, CEQA Inter-Governmental Review
Planning, Rule Development & Area Sources

Attachment

IM:DG

LAC120803-05
Control Number

Siting Criteria and Performance Standards for Sensitive Land Uses

1. The AQMD staff recognizes that the proposed project may provide regional air quality benefits compared to “traditional” development through a mix of land uses that could reduce the overall vehicle miles traveled (VMT) in the region. However, the AQMD staff is concerned that the proposed project could pose significant health risk impacts to future residents from emissions sources that have not been quantified and disclosed in the Draft EIR. Specifically, the lead agency is proposing a mix of land uses including residential uses adjacent to the I-5 Freeway which is a prominent source of toxic air contaminants (TACs). Recent research has revealed that pollutants found in close proximity to freeways are associated with a variety of adverse health effects, independent of regional air quality impacts¹. These can include reduced lung capacity and growth²; cardiopulmonary disease³; increased incidence of low birth weight, premature birth, and birth defects⁴; and exacerbation of asthma⁵.

In Exhibit 3-3 of the Draft EIR the lead agency indicates that the specific plan would allow new high density residential units to be placed adjacent to the I-5 Freeway that carries over 177,000 vehicles per day. As a result, the AQMD staff recommends that the lead agency minimize TAC exposure to the project’s sensitive land uses by revising Mitigation Measure 4.3-5 as follows:

Mitigation Measure 4.3-5: *The City of Burbank shall modify Burbank2035 Implementation Program AQCC-4 as follows to address the potential for TAC impacts:*

Program AQCC-4: Health Risk Assessments for Stationary and Mobile Sources
Require project proponents to prepare health risk assessments in accordance with SCAQMD-recommended procedures as part of environmental review when projects could have associated air emissions that have been designated by the State of California as a toxic air contaminant or, similarly, by the federal government as a hazardous air pollutant.

Also require health risk assessments for projects that would place sensitive land uses near Bob Hope Airport, the UPRR rail line, or major freeways or arterials. (Major freeways, for these purposes, are those that carry more than 50,000 vehicles per day I-5 and SR 134.) ~~In general,~~ The City shall apply the ARB Air Quality and Land Use Handbook⁶ for recommendations on siting distances for sensitive or noxious uses. Site-specific analysis may include dispersion modeling and/or a health risk assessment, consistent with applicable guidance from SCAQMD. If required to reduce potentially significant impacts, the City shall require the applicant to identify and incorporate feasible mitigation measures. Such measures could include, but are not limited to: including tiered plantings of trees to reduce particulate

¹ “Special Report 17. Traffic-related air pollution: A critical review of the literature on emissions, exposure, and health effects”. Health Effects Institute, May 2009; 394 p.

² “Effect of exposure to traffic on lung development from 10 to 18 years of age: a cohort study”. Gauderman WJ et al., Lancet, February 2007; 369 (9561): 571-7.

³ “Exposure to traffic and the onset of myocardial infarction”. Peters A et al., The New England Journal of Medicine, 351(17):1721-1730

⁴ Ritz B, et al. 2002 Ambient air pollution and risk of birth defects in Southern California. Am J Epidemiology, 155:17-25

⁵ McConnell R, et al. 2006. Traffic, susceptibility, and childhood asthma. Environ Health Perspectives 114(5):766-72

⁶ California Air Resources Board. April 2005. “Air Quality and Land Use Handbook: A Community Health Perspective.” Accessed at:<http://www.arb.ca.gov/ch/landuse.htm>

matter concentrations; installing air filtration systems to reduce ambient particulate matter concentrations, and locating air intakes and windows to reduce particulate matter exposure.

Also, if buffer zones recommended in the above mentioned Air Quality and Land Use Handbook are found to be infeasible, AQMD staff recommends that the lead agency quantify the potential severity of this health impact with a health risk assessment prior to approving the project. Should risks exceed AQMD significance thresholds, potential additional measures to consider are included in the Program EIR Appendix G (e.g., AQ-19) for the recently adopted RTP.

Greenhouse Gas Emissions Analysis

2. The Draft EIR utilizes draft thresholds presented by AQMD staff to determine potential significance of GHG impacts. The threshold used was chosen from the AQMD proposed tiered system (Tier 4) and is based on an efficiency target of 6.6 MT CO₂e/year per service population (residents + employees) in the year 2020. This draft AQMD threshold is partially based upon SB 375 targets. As such, there are two efficiency targets in the AQMD draft thresholds, one each for 2020 and 2035. The 2035 draft threshold is 4.1 MT CO₂e/year per service population. While the draft AQMD threshold has not been presented to the AQMD Board for approval, AQMD staff recommends that the lead agency consider the entire draft threshold, or provide substantial evidence for utilizing only a portion of it.

Construction Equipment Mitigation Measures

3. The lead agency determined that the proposed project will exceed the CEQA regional construction significance thresholds for all criteria pollutants; therefore, AQMD staff recommends that the lead agency provide the following additional mitigation measures pursuant to CEQA Guidelines Section 15126.4.
 - Require the use of 2010 and newer diesel haul trucks (e.g., material delivery trucks and soil import/export) and if the lead agency determines that 2010 model year or newer diesel trucks cannot be obtained the lead agency shall use trucks that meet EPA 2007 model year NOx emissions requirements,
 - Consistent with measures that other lead agencies in the region (including Port of Los Angeles, Port of Long Beach, Metro and City of Los Angeles)⁷ have enacted, require all on-site construction equipment to meet EPA Tier 3 or higher emissions standards according to the following:
 - ✓ Project start, to December 31, 2014: All offroad diesel-powered construction equipment greater than 50 hp shall meet Tier 3 offroad emissions standards. In addition, all construction equipment shall be outfitted with BACT devices certified by CARB. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by a

⁷ For example see the Metro Green Construction Policy at:
http://www.metro.net/projects_studies/sustainability/images/Green_Construction_Policy.pdf

Level 3 diesel emissions control strategy for a similarly sized engine as defined by CARB regulations.

- ✓ Post-January 1, 2015: All offroad diesel-powered construction equipment greater than 50 hp shall meet the Tier 4 emission standards, where available. In addition, all construction equipment shall be outfitted with BACT devices certified by CARB. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by a Level 3 diesel emissions control strategy for a similarly sized engine as defined by CARB regulations.
- ✓ A copy of each unit's certified tier specification, BACT documentation, and CARB or SCAQMD operating permit shall be provided at the time of mobilization of each applicable unit of equipment.
- ✓ Encourage construction contractors to apply for AQMD "SOON" funds. Incentives could be provided for those construction contractors who apply for AQMD "SOON" funds. The "SOON" program provides funds to accelerate clean up of off-road diesel vehicles, such as heavy duty construction equipment. More information on this program can be found at the following website: <http://www.aqmd.gov/tao/Implementation/SOONProgram.htm>

For additional measures to reduce off-road construction equipment, refer to the mitigation measure tables located at the following website:
www.aqmd.gov/ceqa/handbook/mitigation/MM_intro.html

Operational Mitigation Measures

4. Given that the lead agency determined that the proposed project will exceed the CEQA regional operational significance thresholds for NO_x, VOC, PM₁₀, PM_{2.5} and CO the AQMD staff recommends that the lead agency provide the following additional mitigation measures pursuant to CEQA Guidelines Section 15126.4.

Transportation

- Require electric car charging stations for non-residential land uses. Also, provide designated areas for parking of zero emission vehicles (ZEVs) especially for car-sharing programs.
- Provide electric car charging infrastructure for multi-family residential land uses.
- Require the use of 2010 diesel trucks, or alternatively fueled, delivery trucks (e.g., food, retail and vendor supply delivery trucks) upon project build-out.
- Provide an alternative fueling station for delivery trucks (e.g., natural gas or electric).
- Create local "light vehicle" networks, such as neighborhood electric vehicle (NEV) systems.
- Require the use of electric or alternative fueled maintenance vehicles.

Other

- Provide outlets for electric and propane barbecues in residential areas.
- Require use of electric lawn mowers and leaf blowers.
- Require use of electric or alternatively fueled sweepers with HEPA filters.
- Require use of water-based or low VOC cleaning products.
- In addition to the requirements of E-2.1 and E-2.2 of the Greenhouse Gas Reduction Plan require all land uses to maximize the use of solar energy including solar panel by installing the maximum possible number of solar energy arrays on building roofs and/or on project sites to generate solar energy.